

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOHN M. MILLER,	:	
Petitioner,	:	
	:	Case No. 3:03cv00011
vs.	:	
	:	District Judge Thomas M. Rose
JAMES ERWIN ¹ , Warden,	:	Magistrate Judge Sharon L. Ovington
Chillicothe Correctional	:	
Institution,	:	
Respondent.	:	

ORDER

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #25), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, the Court **ORDERS** that:

1. The Report and Recommendations filed on October 20, 2005 (Doc. #25) is ADOPTED in full;
2. John M. Miller's Petition for Writ of Habeas Corpus (Doc. #2) is DENIED and DISMISSED;

¹ James Erwin is no longer the Warden of the Chillicothe Correctional Institution. Tim Brunsman is the current warden.

3. A certificate of appealability under 28 U.S.C. §2253(c) shall not issue; and
4. The case is terminated on the docket of this Court.

November 4, 2005

s/Thomas M. Rose

Thomas M. Rose
United States District Judge